

LAW OFFICES
HALEY BADER & POTTS P.L.C.

4350 NORTH FAIRFAX DR., SUITE 900
ARLINGTON, VIRGINIA 22203-1633
TELEPHONE (703) 841-0606
FAX (703) 841-2347

Post Office Box 49006
WASHINGTON, DC 20046-0006
TELEPHONE
(202) 491-0606

LEE W. SHUBERT
ADMITTED IN VA & D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

September 6, 1995

OUR FILE NO.
0992-102-65

William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RE: Docket No. MM 93-42
File No. BPH-911115MG
Calistoga, CA

Dear Mr. Caton:

Transmitted herewith, in triplicate, is a **Petition for Leave to Amend** the above-referenced pending application for a new FM station on Channel 265A in Calistoga, California.

Should further information be required, please communicate directly with this office.

Very truly yours,

Lee W. Shubert

Lee W. Shubert

R. Q.

Enclosures (3)

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Before the
Federal Communications Commission
Washington, D.C. 20554

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In re Applications of) Docket No. MM 93-42
)
MOONBEAM, INC.) File No. BPH-911115MG
)
GARY E. WILLSON) File No. BPH-911115MO
)
For a Construction Permit for a)
New FM Station on Channel)
265A in Calistoga, California)

TO: The Honorable Judge Edward Luton
Administrative Law Judge

Petition for Leave to Amend

Moonbeam, Inc. ("Moonbeam"), by its attorneys, and pursuant to Sections 73.3522 and 1.65 of the Commission's Rules, hereby petitions for leave to amend its pending application for a new FM Broadcast Station on Channel 265A at Calistoga, California. In support thereof, the following is respectfully submitted:

1. Moonbeam seeks to amend its application to report changes in the broadcast ownership interests of its President, Director and sole shareholder Mary F. Constant. Effective June 30, 1995, Independent Broadcasting Corporation acquired a construction permit for KRSH(FM), Middletown, California. Mrs. Constant is President and sole shareholder of Independent Broadcasting Corporation. Moreover, another corporation controlled by Mrs. Constant, Grape Radio, has obtained authority to acquire the construction

permit for KAGA(FM), Santa Ynez, California. Mrs. Constant is the President, director and sole shareholder of Grape Radio.

2. This amendment is submitted pursuant to Section 1.65 of the Commission's Rules which requires applicants to inform the Commission when the information "furnished in the pending application is no longer substantially accurate and complete. . . ." 47 C.F.R. § 1.65(a). An applicant is responsible for the continuing accuracy of all information contained in its application.

3. The proposed amendment meets the test of *Erwin O'Conner Broadcasting Co.*, 22 FCC 2d 140 (Rev. Bd. 1970). The proffered amendment reports a change in the applicant's broadcast ownership interest. The acceptance of the amendment will not cause the addition of parties or issues to the proceeding, will not prejudice any party nor newly confer a competitive advantage on the applicant. Moreover, acceptance of this amendment will not result in the delay of the initiation of a new broadcast service to the public. Nor will it delay this proceeding since this case is subject to a freeze order pending the Commission's re-evaluation of its comparative hearing procedures. *Public Notice*, 9 FCC Rcd. 1055 (1994). Hence, the slight delay in filing the information provided by this amendment is immaterial to the course of the proceeding. Accordingly, in the context of this proceeding, this amendment has been timely filed. Thus, good cause exists for the acceptance of the tendered amendment.

WHEREFORE, the premises considered, Moonbeam respectfully requests that its Petition for Leave to Amend be granted and that the attached amendment be accepted.

Respectfully submitted,

MOONBEAM, INC.

By Lee W. Shubert &
Lee W. Shubert
Ronald E. Quirk, Jr.

Its Attorneys

HALEY BADER & POTTS P.L.C.

4350 North Fairfax Drive
Suite 900
Arlington, VA 22203-1633
703/841-0606

September 6, 1995

AMENDMENT

Please amend the pending application of Moonbeam, Inc. (File No. BPH-911115MG), for authority to construct a new commercial Radio Broadcast Station on FM Channel 265A at Calistoga California in the following respects:

Section II, Page 2: Delete the Section II, Page 2 (FCC Form 301, Page 4) that was previously submitted and substitute in lieu thereof the Amended Section II, Page 2. that is submitted herewith.

Exhibit No. 1: Delete the Amended Exhibit No. 1 that was previously submitted and substituted in lieu thereof the Amended Exhibit No. 1 that is submitted herewith.

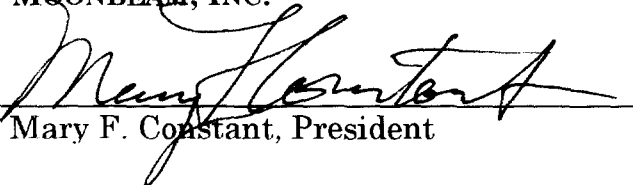
CERTIFICATION

I, Mary F. Constant, hereby certify that the statements contained in this amendment are true, complete and correct, to the best of my knowledge and belief, and are made in good faith. I also certify that no party to the application of Moonbeam, Inc., is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 853a.

Signed and dated this 31st day of August, 1995.

MOONBEAM, INC.

By


Mary F. Constant, President

AMENDED

Section II - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

a. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

b. Citizenship.

c. Office or directorship held.

d. Number of shares or nature of partnership interests.

e. Number of votes.

f. Percentage of votes.

NOTE: Radio Applicants ONLY: Radio applicants need not respond to subparts g and h of the table. Instead, proceed and respond to Questions 7, 8 and 9, Section II below.

g. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

h. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3556 and 76.501, including the nature and size of such interests and the positions held.

a.	Moonbeam, Inc. 2121 Diamond Mountain Rd. Calistoga, CA 94515	Mary F. Constant 2121 Diamond Mountain Rd. Calistoga, CA 94515	Pat Van Paepegghum 102 Hyndman Lane Blaine County, ID 83333
b.	U.S.A.	U.S.A.	U.S.A.
c.	N/A	President/Director	Secretary
d.	-0-	10	-0-
e.	-0-	10	-0-
f.	-0-	100%	-0-
g.	See Amended Exhibit No. 1	See Amended Exhibit No. 1	None
h.	See Amended Exhibit No. 1	See Amended Exhibit No. 1	None

MOONBEAM, INC.
OTHER APPLICATIONS/OWNERSHIP INTERESTS

In May, 1991, Moonbeam, Inc., filed an application (FCC Form 301) for authority to construct a new FM Broadcast station on FM Channel 265 at Eagle, Idaho. Several other mutually exclusive applicants also filed for the Eagle, Idaho, facility. A settlement among the various applicants was achieved and approved by the Federal Communications Commission. As a result and function of that settlement, the application of Moonbeam, Inc., for Eagle, Idaho, was dismissed. (See FCC Public Notice dated February 2, 1992)

Mary F. Constant, President and sole shareholder of Moonbeam, Inc., was sole shareholder and officer of Sagebrush Communications Company, an applicant for a new commercial FM broadcast station at Bend, Oregon (File No. BPH-820825AG). A settlement was approved in the proceeding and the Sagebrush application was dismissed by letter on September 1, 1983.

Mary F. Constant is President, director and sole shareholder in Independent Broadcasting Corporation ("IBC"), which on June 30, 1995, acquired the construction permit for Radio Station KRSH(FM), Middletown, California, from Wine Country Radio. This action was approved by the Commission on May 8, 1995 (File No. BAPH-950119GF).

Radio Station KRSH and Moonbeam's proposed station at Calistoga are both within the Santa Rosa, California, radio market. In connection with the BAPH-950119GF, IBC submitted to the Commission a demonstration that the ownership interests resulting from a grant of the KRSH application complied with 47 C.F.R. §73.3555(a).¹

Mary F. Constant also is President, director, and sole shareholder of Grape Radio, a California corporation, that has filed an application (BAPH-950327GH) for authority to acquire the construction permit for Radio Station KAGA(FM), Santa Ynez, California, from Karin H. Wood. By staff action on July 13, 1995, that application was granted. Consummation of the transaction is pending. Santa Ynez, California, is more than 300 miles south of Calistoga, California.

¹ To illustrate compliance with §73.355(a), IBC's amendment contained: (a) a map identifying the location and geographic coverage of the Santa Rosa market and showing the principal community contours of stations defining the Santa Rosa market, as well as the principal community contours of all commercial stations intersecting with the principal community contours of these stations; (2) a listing of commercial AM and FM station in the Santa Rosa market; (3) combined audience share data fro the Santa Rosa radio market; and (4) the call letters and locations of KRSH and the proposed Calistoga station. See Amendment filed April 24, 1995, File No. BAPH-950119GF.

CERTIFICATE OF SERVICE

The undersigned, an employee of Haley Bader & Potts P.L.C., hereby certifies that the foregoing document was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered* to the following:

*The Honorable Edward Lutton
Administrative Law Judge
Federal Communications Commission
2000 L Street, NW, Room 225
Washington, D.C. 20554

*Robert Zauner, Esq.
Federal Communications Commission
2025 M Street, NW, Room 7212
Washington, D.C. 20554

A. Wray Fitch III, Esq.
Gammon & Grange
8280 Greensboro Drive
Seventh Floor
McLean, VA 22102-3807
(Counsel to Gary E. Willson)



Barbara L. Rascon

*Hand Delivery

September 6, 1995